



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

COPY MAILED

SEP 20 2004

In re Application of
Cin Kim
Application No. 10/623,104
Filed: July 18, 2003
Att'y Docket No. 4394/0M995

: OFFICE OF PETITIONS
:
: DECISION GRANTING PETITION
:
:

This is a decision on the petition filed November 12, 2003, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed October 22, 2003, requesting that the above identified application be accorded a filing date of July 18, 2003.

On July 18, 2003, the application was filed.

On October 22, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on November 12, 2003 the present petition, and 4 sheets of drawings were filed. Petitioners argue that 4 sheets of drawings were filed with the other application papers on July 18, 2003. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of July 18, 2003, and the above-identified application number, and acknowledges receipt of, *inter alia*, 4 sheets of drawings, was supplied with the present petition. Petitioner has also supplied a copy of 4 sheets of drawings. Petitioner requests that the application, including 4 sheets of drawings, be accorded a filing date of July 18, 2003.

Upon review of the record, no sheets of drawings deposited on July 18, 2003, have been located among the application papers. However, the evidence is convincing that the application papers deposited on July 18, 2003, included 4 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 4 sheets of drawings, was complete on filing and entitled to a filing date of July 18, 2003.

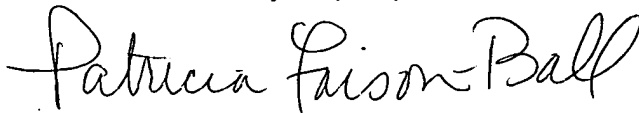
In view of the above, the petition is **GRANTED**.

The Notice of Incomplete Nonprovisional Application mailed October 22, 2003, is

withdrawn. Therefore, the petition fee in the amount of \$130.00 will be credited to deposit account no. 04-0100.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of July 18, 2003, using the application papers filed on July 18, 2003 and the 4 sheets of drawings supplied on November 12, 2003.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions